

## Article - Health Occupations

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§7–208.

(a) The Board may require an applicant or licensee to submit to a mental or physical examination by a health care practitioner designated by the Board, if:

(1) When investigating an allegation brought against an applicant or licensee under this title, the Board finds reasonable evidence indicating that the applicant or licensee cannot practice mortuary science or funeral direction competently;

(2) The Board:

(i) Makes a written request for the applicant or licensee to submit to the examination;

(ii) Provides the applicant or licensee with a list of three health care practitioners from which the applicant may choose a health care practitioner to conduct the examination; and

(iii) Pays the cost of the examination in accordance with subsection (c) of this section; and

(3) The applicant or licensee:

(i) Consents to submit to the examination; and

(ii) Waives any claim or privilege as to the examination report.

(b) An evaluation report of a health care practitioner designated by the Board is confidential except as to contested case proceedings as defined by the Administrative Procedure Act.

(c) (1) (i) Subject to subparagraph (ii) of this paragraph, an applicant who does not hold a valid license with the Board shall pay the reasonable cost of any examination made under this section.

(ii) If the applicant is deemed competent to practice mortuary science or funeral direction as a result of the evaluation, the Board shall reimburse the applicant for the reasonable cost of the evaluation that was performed.

(2) The Board shall pay the reasonable cost of an examination made under this section for a licensee of the Board.

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